

Adopted	Rejected
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## COMMITTEE REPORT

YES:	26
NO:	0

### MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred House Bill 1092, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 courts and court officers.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 33-5-40-1 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. **(a)** There is
- 8 established a superior court in St. Joseph County, Indiana, which court
- 9 shall consist of eight (8) judges.
- 10 **(b) To be eligible to hold office as a judge of a St. Joseph**
- 11 **superior court, a person must be:**
- 12 **(1) a resident of St. Joseph County;**
- 13 **(2) less than seventy (70) years of age at the time of taking**
- 14 **office; and**
- 15 **(3) admitted to the practice of law in Indiana.**
- 16 SECTION 2. IC 33-5-40-8 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) The St. Joseph  
 2 superior court shall hold its sessions in the St. Joseph County  
 3 courthouse in the city of South Bend and in at least one appropriate  
 4 place in the city of Mishawaka. ~~The superior court in the city of~~  
 5 ~~Mishawaka shall be full time and shall exercise full superior court~~  
 6 ~~jurisdiction in that city.~~ The board of county commissioners of St.  
 7 Joseph County shall provide and maintain in the courthouse in South  
 8 Bend and in an appropriate place in Mishawaka court facilities, such  
 9 facilities to include suitable and convenient courtrooms, jury rooms and  
 10 offices for the judges, secretaries and official court reporters, and other  
 11 necessary facilities, including all the necessary furniture and equipment  
 12 for the rooms and offices of the court for the conduct of all criminal  
 13 and civil business, including the necessary facilities for jury trials.

14 (b) The judges of the court have all jurisdiction and authority  
 15 granted them by law irrespective of the city in which they are located.

16 SECTION 3. IC 33-5-40-41 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 41. (a) The commission  
 18 shall submit only the names of the five (5) most highly qualified  
 19 candidates from among all those eligible individuals considered. To be  
 20 eligible for nomination as a judge of the St. Joseph superior court, a  
 21 person must be ~~domiciled in a resident of~~ the county of St. Joseph, a  
 22 citizen of the United States, **less than seventy (70) years of age at the**  
 23 **time of taking office**, and admitted to the practice of law in the courts  
 24 of this state.

25 (b) In abiding by the mandate in subsection (a) of this section, the  
 26 commission shall evaluate in writing each eligible individual on the  
 27 following factors:

28 (1) Law school record, including any academic honors and  
 29 achievements;

30 (2) Contribution to scholarly journals and publications, legislative  
 31 draftings, and legal briefs;

32 (3) Activities in public service, including:

33 ~~(i)~~ (A) writings and speeches concerning public or civic affairs  
 34 which are on public record, including but not limited to  
 35 campaign speeches or writing, letters to newspapers, testimony  
 36 before public agencies;

37 ~~(ii)~~ (B) efforts and achievements in improving the  
 38 administration of justice;

- 1           ~~(iii)~~ (C) other conduct relating to his profession.
- 2           (4) Legal experience, including the number of years of practicing
- 3           law, the kind of practice involved, and reputation as a trial lawyer
- 4           or judge;
- 5           (5) Probable Judicial temperament;
- 6           (6) Physical condition, including age, stamina, and possible
- 7           habitual intemperance;
- 8           (7) Personality traits, including the exercise of sound judgment,
- 9           ability to compromise and conciliate patience, decisiveness and
- 10          dedication;
- 11          (8) Membership on boards of directors, financial interest, and any
- 12          other consideration which might create conflict of interest with a
- 13          judicial office;
- 14          (9) Any other pertinent information which the commission feels
- 15          is important in selecting the best qualified individuals for judicial
- 16          office.
- 17          (c) These written evaluations shall not be made on an individual
- 18          until he states in writing that he desires to hold a judicial office that is
- 19          or will be created by vacancy.
- 20          (d) The political affiliations of any candidate shall not be considered
- 21          by the commission in evaluating and determining which eligible
- 22          candidates shall be recommended to the governor for a vacancy on the
- 23          St. Joseph superior court."
- 24          Page 3, after line 21, begin a new paragraph and insert:
- 25          "SECTION 5. [EFFECTIVE JULY 1, 2003] **IC 33-5-40-1, as**
- 26          **amended by this act, does not apply to a judge who holds office on**
- 27          **June 30, 2003, until the end of the judge's current term."**
- 28          Re-number all SECTIONS consecutively.
- (Reference is to HB 1092 as introduced.)

**and when so amended that said bill do pass.**

Representative Crawford